

**Notice of Allowability**

Application No.

10/528,984

Examiner

SAMUEL A. ACQUAH

Applicant(s)

KURODA ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

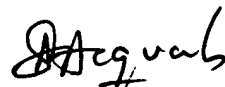
\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 06/03/05
- ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_.

  
SAMUELA ACQUAH  
PRIMARY EXAMINER  
GROUP ~~20~~ 1700

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The claims are allowable over the cited prior arts because said prior arts do not disclose or make obvious a glycolic acid copolymer comprising (a) 80 to less than 95 mol % glycolic acid monomer units, (b) 5.0 to 20.0 mol % non-glycolic, hydroxycarboxylic acid monomer units, and (c) 0 to 0.10 mol % diglycolic acid monomer units; said copolymer having weight average molecular weight of 50,000 or more. The process of preparing the copolymer comprising steps (A)-(C) as claimed is not disclosed by the cited prior arts. Iwamoto et al 5,759,583 discloses poly(lactic/glycolic) matrices wherein the ration of L:G is from about 100:0 to about 25:75. Takayanagi et al 4,859,763 et al discloses preparation process of lactic acid-glycolic acid copolymer containing 50-60 mol % of lactic acid unit and 40-50 mol % glycolic acid unit. Tanaka et al 4,683,288 and 4,677,191 also disclose a copolymer of lactic acid and glycolic acid having a weight average molecular weight of not less than 5,000 wherein the content of glycolic acid is about 5-40 pbw. Nevin 4,273,920 discloses polymerization process and product which is a copolymer of lactic-glycolic acids, said copolymer having MW of about 6,000 to about 35,000. The content of glycolic acid therein is 5-40 pbw.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

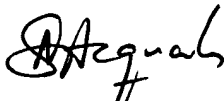
Art Unit: 1711

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. ACQUAH whose telephone number is 571-272-1065. The examiner can normally be reached on M-TH, FRIDAYS OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES SEIDLECK can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.A.A.  
03/12/06

  
SAMUEL A. ACQUAH  
PRIMARY EXAMINER  
GROUP ~~120~~ 1700